Spill Prevention, Preparedness, and Response Program

Contact: Dale Jensen, Program Manager, (360) 407-7450

Program Mission

Protect Washington's environment, public health, and safety through a comprehensive spill prevention, preparedness, and response program. The Spills Program focuses on preventing oil spills to Washington waters and land and ensuring effective response to oil and hazardous substance spills whenever they occur.

Environmental Threats

Billions of gallons of oil and hazardous chemicals move through Washington each year, by ship, pipeline, rail, and road. Accidents, equipment failure, and human error can all lead to unintended and disastrous consequences. Oil and chemical spills into Washington's waters can threaten some of the most productive and valuable ecosystems in the world, while spills on land threaten public health, safety, and the environment. The effects can be acute and chronic and can damage the state's economy and quality of life.

Authorizing Laws

The harm caused by major oil spills in late 1980s and early 1990s aroused public concern and resulted in state and federal legislation to protect the environment and human health from such spills. Specific Washington laws include:

- *Chapter 90.56 RCW, Oil and Hazardous Substance Spill Prevention and Response*
- *Chapter 88.46 RCW, Vessel Oil Spill Prevention and Response*
- *Chapter 90.48 RCW, Water Pollution Control*
- *Chapter 88.40, Transport of Petroleum Products - Financial Responsibility*
- *Chapter 70.105 RCW, Hazardous Waste Management Act*
- *Chapter 70.105D RCW, Model Toxics Control Act*

Constituents/Interested Parties

The agency works closely with people interested in environmental protection, emergency response, the oil industry, the shipping and transportation industry, and other users of Washington's waters. This includes:

- *Federal, state, local, and tribal governments, including the U.S. Coast Guard and local emergency management agencies*
- *The Governments of Canada, British Columbia, Oregon, and Idaho*
- *Vessel owners and operators worldwide, marine transportation trade associations, public ports, and maritime trade unions*
- *Oil refineries, marine oil terminals, and oil pipelines*
- *Spill response cooperatives and contractors*
- *Environmental organizations and the general public*

Major Activities and Results:

Prevent Spills from Vessels and Oil Handling Facilities

Oil and chemical spills from vessels and oil handling facilities pose a significant environmental threat in Washington State. To minimize this threat, the agency works with the regulated community to carry out four core activities.

Vessel Screening and Inspection, and Oil Transfer Oversight: The agency reviews safety related information (screening) on approximately 2,600 cargo and passenger vessels, and conducts approximately 1,000 onboard inspections per year to provide technical assistance and verify compliance with international, federal, and state requirements. The agency inspects bunkering (vessel refueling) operations and provides technical assistance to help reduce the frequency of spills during fuel transfers.

Oil Handling Facilities: There are 35 oil handling facilities in Washington under state regulation. Agency staff review and approve the facilities' oil spill prevention plans and operation manuals to ensure tanks and pipelines are designed and operated in a manner that will minimize the risk of oil spills.

Neah Bay Rescue Tug: Over the past five winters, a tug stationed at Neah Bay has provided an important additional margin of safety for vessel propulsion and steering failures in the western Strait of Juan de Fuca and off Washington's rugged outer coast. The rescue tug is capable of controlling a drifting, fully loaded oil tanker or cargo ship in bad weather to prevent vessel casualties, major oil spills, and loss of life.

Incident Investigations: Agency staff investigate oil and hazardous material near-miss incidents and actual accidents to determine what can be done to prevent future problems. Investigations also help target inspections and risk management initiatives. (Authorizing laws - 90.56 and 88.46 RCW)

Result
Oil and chemical spills from vessels and oil handling facilities are minimized and avoided through risk management, the Neah Bay Rescue Tugboat, and targeted inspections.

- Conduct 1,000 inspections focused on high-risk commercial vessels.
- Enroll 60% of all tank vessels in the voluntary Best Achievable Protection program to prevent oil spills.
- Reduce the number of spills where 25 or more gallons of oil enter surface waters.
- Reduce the total volume of oil entering surface waters.
- Reduce the percent of vessels having "incidents" that can lead to spills (for instance, power loss).
- Assist vessels as needed with the Neah Bay Rescue Tug.
- Increase prevention emphasis on "non-regulated" entities.
- Initiate a study of the oil tanker escort system.
- Eliminate intentional waste oil discharges from vessels.

Prepare for Spills Response through Planning and Drills
Operators of large commercial vessels and oil handling facilities are required to maintain state approved oil spill contingency plans. These plans help to assure that when major oil spills occur, the responsible party is able to rapidly mount an effective response.

Once agency staff have reviewed and approved an oil spill contingency plan, the contingency plan holders and spill response contractors maintain their readiness through required spill drills. The agency also partners with the U.S. Coast Guard and Environmental Protection Agency to maintain a single, overarching policy document (the Northwest Area Contingency Plan) that guides how spills are managed in the Northwest.

Staff work with other agencies and private sector spill response experts to develop geographic based response plans. The plans identify and rank response strategies that best protect natural resources, drinking-water supply intakes, marinas, sensitive archeological sites, and commercial shellfish beds. These plans work in concert with private sector contingency plans to enable spill cleanup contractors to immediately start response actions with minimal initial consultation. (Authorizing laws - 90.56, 88.46, and 88.40 RCW)

Result
The agency and regulated community are fully prepared to promptly respond to and mitigate the impacts of oil spills.

- Enhance the capability of regional spill response teams.
- Approve oil spill contingency plans.
- Complete 60% of new internal DRILLTRAC training (spill responder training and certification program).
- Complete 100% of required oil spill drills to assure all plan holders are able to mount effective actions in response to all oil spills to surface or ground water.
- Update the Northwest Area Plan (single plan among several agencies on how spills are managed).
- Develop one new inland Geographic Response Plan.

Respond to and Clean Up Oil and Hazardous Material Spills
The agency is responsible for responding to and overseeing the clean-up of: oil spills, hazardous material incidents, and methamphetamine drug labs. These activities include:

Lucky Buck grounded at Point Wells

24-Hour Statewide Response Capability: The agency provides round-the-clock response (from four regional offices) to oil spills and hazardous material incidents that pose a risk to public health, safety, and the environment. This work is a

critical service to local communities. The agency ensures that damage from these spills is contained within the smallest area possible and cleaned up as quickly as possible with minimum damage to public health, safety, natural resources, and private property.

Methamphetamine Drug Lab Cleanup: Agency spill responders work with local, state, and federal law enforcement personnel to dispose of drug lab chemicals from the sites of illicit methamphetamine drug manufacturing labs and lab dumps.

Compliance and Enforcement: The agency may take enforcement and compliance actions for violations related to oil and hazardous material spills. These actions include imposing fines or requiring changes in operating practices to prevent future spills.

(Authorizing laws - 90.56, 90.48, 70.105, and 70.105D RCW)

Oil Tanker Spill on I-90

Result

Oil spills, chemical spills, and methamphetamine labs are rapidly responded to and cleaned up in a timely manner to protect public health, natural resources, and property.

- Maintain 24-hour, seven-days-per-week spill response capacity throughout the state.
- Increase the response time to spills within 48 hours from 90% to 95%.
- Manage agency response to 4,000 annual spill reports.
- Complete 1,500 drug lab removals per year.
- Increase the percent of drug lab chemicals that are batched by local government for Ecology to properly handle and dispose from 30% to 35%.
- Respond to all oil spills from vessels and facilities.
- Support environmental crime investigations.

Restore Environmental Damage Caused by Oil Spills

When an oil spill causes significant damage to publicly owned natural resources, the agency coordinates with other organizations to complete an assessment of the monetary value of the damages. Once the assessment is complete, the agency seeks fair compensation from the responsible party(s). After the compensation is collected, the agency works with other organizations to assure the money is used for projects to restore the injured natural resources. (Authorizing laws - 90.56 and 90.48 RCW)

Result

The environmental impacts from oil spills to publicly owned natural resources are partially mitigated (compensated for) using damage assessment funding.

- Issue a Natural Resource Damage Assessment on 100% of oil spills where 25 or more gallons reach surface waters and a responsible party is identified.
- Restore or protect priority wildlife habitat using natural resource damage funds.
- Develop a fresh water oil spill damage compensation table.

Major Issues

Strengthening the State/Coast Guard Partnership On May 25, 2001, Governor Locke and 13th U.S. Coast Guard District Commander Admiral Brown signed a memorandum of agreement (MOA) on oil spills. This agreement further strengthens federal and state collaborative efforts to prevent and respond to oil spills in Washington's waters. During 2003, Ecology signed 10 protocols with the Coast Guard that define cooperative strategies to implement the MOA. The Department of Ecology and the U.S. Coast Guard are working toward a cooperative vessel inspection program, sharing information, and monitoring oil transfer operations. Other joint initiatives include implementing recommendations from the North Puget Sound Oil Spill Risk Management Panel, managing the risk of oil spills in Haro Strait and on the Columbia River, and working with the Pacific States/British Columbia Oil Spill Task Force to implement a

coastal vessel risk management system from California to Alaska.

Improving Tug Escorts for Loaded Tankers
The 2003 Legislature passed Substitute Senate Bill 6072 which, among other things, directed the Department of Ecology to complete:

> "*An evaluation of tug escort requirements for laden tankers to determine if the current escort system requirements under 88.16.190 RCW should be modified to recognize safety enhancements of the new double hull tankers deployed with redundant systems*."

The bill requires that the agency complete the study and provide a report with recommendations to the Governor and appropriate legislative committees January 1, 2005. The Department of Ecology has formed a stakeholder steering committee and will hire a nationally recognized consulting firm to complete the technical study.

Minimizing the Number of Oil Transfer Spills
The agency is considering a number of options to reduce the number of oil spills from non-regulated entities. Efforts will likely begin by partnering with the U.S. Coast Guard on their oil transfer facility inspections and through other initiatives. This includes focused cooperative projects with the fishing industry to minimize oil spills during the annual spring departure of the Alaskan fishing fleet.

Enhancing Oil Spill Contingency Plans
The agency's rules for facility and vessel oil spill contingency plans were adopted in 1994. Recent drills have identified gaps in the ability of industry contingency plan holders to respond to a probable "worst case" oil spill. The agency is updating its rule to improve spill response standards, improve the drill program, and make other necessary changes. During 2004, Ecology will complete a major technical review of the state's oil spill response capabilities.

Making the Neah Bay Rescue Tug Permanent
During the five years of seasonal deployment, the rescue tug has proven its value by providing assistance to a number of distressed vessels. The 2003 Legislature established a new funding mechanism for the tug using an existing transportation fee. This provided full funding for the2003-04 winter season, and some funding for the subsequent four years. The value of similar government funded tugs has also been demonstrated in Alaska, Japan, South Africa, Great Britain, the Netherlands, and in the Baltic Sea. The Department of Ecology continues its efforts to maintain Washington's only proactive spill prevention system on the outer coast.

Meeting Drug Lab Cleanup Workload
Since 1994, the agency has been involved in the clean up of an ever-increasing number of drug labs. This activity has reduced the agency's ability to respond to oil spills and hazardous material incidents. Fortunately, this work load may finally be reaching a plateau. Ecology has hired new drug lab responders to free up existing staff to refocus on other environmental and public health and safety threats.

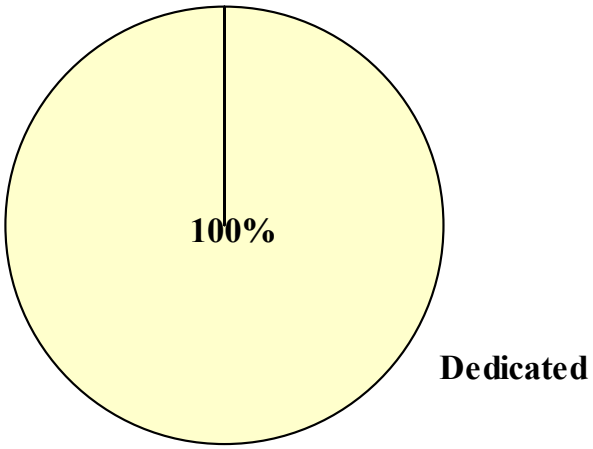
Improving Marine Safety on the Columbia River
The Columbia River experienced a number of vessel groundings and oil spills. The waterway's winding channel precludes establishing a radar-based vessel traffic service, while high traffic volumes and little under-keel clearance for deep draft vessels contribute to the likelihood of a collision or powered grounding. The Department of Ecology, in concert with other interested parties, is placing an increased emphasis on reducing risk in this waterway.

Spill, Prevention, Preparedness, and Response Program Budget

Budget: $25,133,242; Staffing: 65.4 FTEs

Dedicated Funds	($) Amount	Sources	Uses
Vessel Response Account	2,876,000	Existing vehicle title transfer fees	Emergency vessel towing including the Neah Bay rescue tug
State Toxics Control Account	6,598,445	Hazardous substance tax; monies recovered from remedial actions and penalties	Routine hazardous material spill preparedness and response work including drug lab cleanup
Oil Spill Prevention Account	6,826,690	Barrel Tax – 5 cent per barrel tax on first possession of petroleum imported into and consumed in Washington State	Routine oil spill prevention, preparedness, and response work
Oil Spill Response Account	7,057,107	Barrel Tax – 5 cent per barrel tax on first possession of petroleum imported into and consumed in Washington State	Oil spill cleanup where state response costs are expected to exceed $50,000.
Coastal Protection Fund	1,775,000	Natural Resource Damage Assessments (NRDA); spill penalties; and a small contribution from the marine gas tax	Restoration of natural resources damaged by oil spills, certain non-personnel related oil projects
TOTAL	**$25,133,242**		

Spills Program
Dollars by Fund Source



Spills Program
Dollars by Activity